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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,825	12/28/2000	John Alson Hicks III	00216	5201
38516 7590 04/24/2013 AT&T Legal Department - SZ Attn: Patent Docketing Room 2A-207 One AT&T Way Bedminster, NJ 07921				
EXAMINER				
SALTARELLI, DOMINIC D				
ART UNIT		PAPER NUMBER		
2421				
MAIL DATE		DELIVERY MODE		
04/24/2013		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/749,825

Applicant(s)

HICKS ET AL.

Examiner

DOMINIC D. SALTARELLI

Art Unit

2421

AIA (First Inventor to File)Status
No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7 December 2012.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1 and 5-14 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1 and 5-14 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/gph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) ☐ All b) ☐ Some * c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Interim copies:

- a) ☐ All b) ☐ Some c) ☐ None of the: Interim copies of the priority documents have been received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____

- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 4) ☐ Other: ____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 7, 2012 has been entered.

Response to Arguments

2. Applicant's arguments, see pages 5-6, filed December 7, 2012, with respect to the rejection of claim 1 have been fully considered and are persuasive. The previous 35 U.S.C 103(a) rejection of claim 1 has been withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eames et al. (6,317,884, provided by applicant) [Eames] in view of Humpleman (6,005,861, of record) and Inoue et al. (4,890,168, of record) [Inoue].

Regarding claim 1, Eames discloses a system for providing digital entertainment data (fig. 6), the system comprising:

a shared system bus interconnecting internal components of a gateway (fig. 6, CNTRL BUS 422), the gateway comprising:

a processor having input connected to the shared system bus and a processor output connected to the shared system bus (fig. 6, microprocessor 434);

memory having a memory input connected to the shared system bus and a memory output connected to the shared system bus (fig. 6, memory 436);

multiple network elements connected to the shared system bus to receive control signals, with each element receiving a plurality of information signals from a source (TV modules 654, see col. 6 line 65 – col. 7 line 15).

Eames fails to disclose the network elements connected to the shared system bus comprise tuner and demodulator pairs, and the gateway further comprises a data switch having multiple input ports and multiple output ports and a dedicated link between each one of the multiple input ports and a respective one of the multiple pairs of the tuner and the demodulator, such that each pair of the multiple pairs of the tuner and the demodulator is dedicated to a different input port of the data switch; and a video overlay processor coupled to the data switch that superimposes a first audio-visual signal over a second audio visual signal to produce a superimposed signal.

In an analogous art, Humpleman discloses a system for providing digital entertainment data comprising multiple pairs of tuners and demodulators tuning to a frequency to receiving a plurality of information signals broadcast from a source and a data switch having multiple input ports and multiple output ports and a dedicated link between each one of the multiple input ports and a respective one of the multiple pairs of the tuner and the demodulator, such that each pair of the multiple pairs of the tuner and the demodulator is dedicated to a different input port of the data switch (fig. 7, network interface units and set top electronics are provided dedicated ports to establish direct [unshared] links through the gateway device, see col. 10, lines 47-67), providing a modular, scalable gateway that can provided a large number of disparate services over a home network (col. 3, lines 21-55).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system of Eames to include the network elements connected to the shared system bus comprise tuner and demodulator pairs and a data switch having multiple input ports and multiple output ports and a dedicated link between each one of the multiple input ports and a respective one of the multiple pairs of the tuner and the demodulator, such that each pair of the multiple pairs of the tuner and the demodulator is dedicated to a different input port of the data switch, as taught by Humpleman, for the benefit of a modular, scalable gateway that can provided a large number of disparate services over a home network.

Eames and Humpleman fail to disclose a video overlay processor coupled to the data switch that superimposes a first audio-visual signal over a second audio visual signal to produce a superimposed signal.

In an analogous art, Inoue discloses a system for providing digital entertainment data that includes an overlay processor superimposing multiple information signals onto a first information signal (fig. 2, PIP control 34), providing the benefit of allowing a user to view several sources of video on a screen simultaneously (see figs. 5a and 5b).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Eames and Humpleman to include an overlay processor superimposing multiple information signals onto a first information signal, as taught by Inoue, providing the benefit of allowing a user to view several sources of video on a screen simultaneously.

Regarding claims 7-9, Eames, Humpleman, and Inoue disclose the system of claim 1, further comprising: decryption logic having an input connected to the multiple pairs of the tuner and the demodulator (Humpleman, col. 7, lines 55-65), but fail to disclose a card reader having a card reader input and a card reader output, the card reader input connected to an output of the decryption logic, the card reader providing authorization for the decryption logic to decrypt the plurality of information signals to produce decrypted digital information.

Examiner takes official notice that the use of so called "smart cards" to authorized access to encrypted television programming is notoriously well known in the art (such as found in U.S. Patent No. 5,635,989 to Rothmuller, col. 3, lines 41-46), said cards having preprogramming access control information (such as decryption keys) that are inserted into a set top device to enable said device to decrypt particular transmissions using the information on the card. Said cards are used to ensure that only the bearer of the card is able to access encrypted content, which is more secure than sending decryption information over the network where it could be intercepted by an unauthorized user.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system of Eames, Humpleman, and Inoue to include a card reader having a card reader input and a card reader output, the card reader input connected to an output of the decryption logic, the card reader providing authorization for the decryption logic to decrypt the plurality of information signals to produce decrypted digital information.

Regarding claims 10-14, Eames, Humpleman, and Inoue disclose the system of claim 1, wherein the plurality of transmission signals include a plurality of television program signals (digital or mixed analog/digital broadcast signals), an audio signal (compressed audio), a data signal (Internet data), are received from a cable headend or direct broadcast satellite (cable provider or digital satellite service), and are frequency divided multiplex transmission signals (as is

conventional for cable and satellite television broadcast services, Humpleman, col. 3, lines 21-35).

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eames, Humpleman, and Inoue as applied to claim 1 above, and further in view of Russo (6,732,366, of record).

Regarding claims 5 and 6, Eames, Humpleman, and Inoue disclose the system of claim 1, but fail to disclose a mass storage device connected to the shared system bus that stores an item identifier corresponding to a content item stored in the mass storage device, the item identifier having a first data field that indicates the content item has been played, a second data field indicating the content item has been purchased, a third data field indicating the content item has been licensed, a cost of playback for the content item and a second cost of purchase for the content item.

In an analogous art, Russo discloses a system for providing digital entertainment data (fig. 2) comprising a mass storage device (fig. 2, high capacity storage 110) that stores an item identifier corresponding to a content item stored in the mass storage device, the item identifier having a first data field that indicates the content item has been played (for pay-per-play usage, col. 5, lines 12-21), a second data field indicating the content item has been purchased (for open ended usage, col. 5, lines 45-58), a third data field indicating the content item has been licensed (available for viewing, col. 5 line 59 – col. 6 line

9), a cost of playback for the content item (to debit the account for pay-per-play usage, col. 10, lines 33-34) and a second cost of purchase for the content item (to debit the account for open ended usage, col. 10, lines 33-34), enabling both purchase or temporary rental of desired titles from the convenience of a user's home (col. 5, lines 12-58).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOMINIC D. SALTARELLI whose telephone number is (571)272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Parry can be reached on (571) 272-8328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DOMINIC D SALTARELLI/
Primary Examiner, Art Unit 2421